



Mr Brian Bell
General Manager
Lake Macquarie City Council
Box 1906
HUNTER REGIONAL MAIL CENTRE NSW 2310

Our ref: PP_2014_LAKEM_002_00(14/15756)
Your ref: RZ/3/2014

Att: Matthew Hill

Dear Mr Bell,

Planning Proposal to amend Lake Macquarie Local Environmental Plan 2014

I am writing in response to your Council's letter dated 15 September 2014 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to rezone land at Freemans Drive, Cooranbong and to amend the land use tables to make water supply system, sewage reticulation system, sewage treatment plant and water recycling facility permissible with consent in various zones.

As delegate of the Minister for Planning, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

The Independent Pricing and Regulatory Tribunal are responsible for assessing and making recommendations to the Minister for the construction and operation of water and sewer infrastructure pursuant to the *Water Industry Competition Act 2006*. It is understood that the planning proposal aims to make essential utility infrastructure permissible in various zones not covered by State Environment Planning Policy (Infrastructure) 2007. It should be noted that State Environment Planning Policy (Infrastructure) 2007 does not permit the provision of water supply systems by any person other than a public authority (or acting on behalf of a public authority), with or without development consent in any zone. Therefore, it may also be appropriate to permit water supply systems with consent in the rural zones.

I have also agreed that the planning proposal's inconsistencies with s117 Direction 1.2 Rural Zones and 1.5 Rural Lands are justified by the Lower Hunter Regional Strategy. Council may still need to obtain the Department's approval to comply with the requirements of relevant S117 Directions, such as Direction 2.1 Environment Protection Zones, Direction 2.3 Heritage Conservation and Direction 4.3 Flood Prone Land and if required obtain relevant approvals. Council should ensure this occurs prior to the plan being made.

The Minister delegated plan making powers to councils in October 2012. It is noted that Council has now accepted this delegation. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 18 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department for administrative purposes.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Attached for your assistance is a simplified guide to the plan making process and reporting requirements to ensure that the LEP Tracking System is kept updated.

Should you have any questions regarding this matter, I have arranged for Mr Trent Wink from the Hunter office to assist you. Mr Wink can be contacted on (02) 4904 2716.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'D Rowland', is positioned above the typed name and title.

17 October 2014
David Rowland
General Manager
Hunter and Central Coast Region
Planning Services

Gateway Determination

Planning Proposal (Department Ref: PP_2014_LAKEM_002_00): to rezone land at Freemans Drive Cooranbong from RU6 Transition to part R2 Low Density Residential and part E2 Environmental Conservation and to amend the land use tables to make water supply system, sewage reticulation system, sewage treatment plant and water recycling facility permissible with consent in the R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential, IN4 Working Waterfront, SP1 Special Activities, SP2 Infrastructure, SP3 Tourist, RE1 Public Recreation and RE2 Private Recreation zones.

I, the General Manager, Hunter and Central Coast Region at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Lake Macquarie Local Environmental Plan (LEP) 2014 to rezone land and to amend the land use tables should proceed subject to the following conditions:

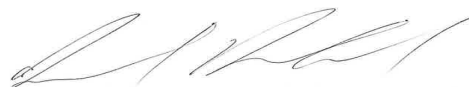
1. Prior to commencing public exhibition, Council is to update its planning proposal and provide the following supporting information:
 - Amend the Land Zoning, Lot Size and Height of Building Maps in accordance with the recommendations of the relevant studies;
 - Amend the Urban Release Area Map to identify the subject lands as an urban release area;
 - Contamination and Geotechnical Assessment;
 - Flooding, Hydrology and Water Resource Management Study;
 - Acid Sulfate Soils Assessment;
 - Aboriginal Heritage Assessment;
 - Flora and Fauna Assessment;
 - Bushfire Assessment;
 - Traffic Impact Assessment; and
 - Infrastructure Services Report.
2. Prior to commencing public exhibition, Council may amend the planning proposal to permit water supply systems with consent in its rural zones, as deemed appropriate.
3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A Guide to Preparing LEPs (Planning & Infrastructure 2013)*.

4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:
- NSW Rural Fire Service
 - Office of Environment and Heritage
 - NSW Aboriginal Land Council
 - Hunter Water Corporation
 - Mine Subsidence Board
 - Transport for NSW - Roads and Maritime Services

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal. Once the consultation is undertaken with the public authorities, and information is provided, Council is to update its consideration of S117 Directions.

5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
6. The timeframe for completing the LEP is to be **18 months** from the week following the date of the Gateway determination.

Dated 17th day of October 2014.



David Rowland
General Manager
Hunter and Central Coast Region
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Lake Macquarie City Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2014_LAKEM_002_00	Planning proposal to rezone land at Freemans Drive Cooranbong from RU6 Transition to part R2 Low Density Residential and part E2 Environmental Conservation and to amend the land use tables to make water supply system, sewage reticulation system, sewage treatment plant and water recycling facility permissible with consent in the R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential, IN4 Working Waterfront, SP1 Special Activities, SP2 Infrastructure, SP3 Tourist, RE1 Public Recreation and RE2 Private Recreation zones

In exercising the Minister's functions under section 59, the Council must comply with the Department's "*A guideline for the preparation of local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 17 October 2014



David Rowland
General Manager
Hunter and Central Coast Region
Planning Services
Department of Planning and Environment